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अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय / SECRETARIAT
NOTIFICATION

Port Blair, dated the 16th February, 2017.

No. 21/2017/F. No. 3-53/2015-UD-II.— Whereas, a Press Release inviting objection and suggestion for Solid Waste Management under Section 202 of the Andaman and Nicobar Islands (Municipal) Regulation, 1994 was published in The Daily Telegrams dated 24.06.2016 vide Press Release No. 3-53/2015-UD-II dated 23.06.2016 for information of the General Public.

And, whereas, the objection/suggestion received from the General Public within the specified period have been examined with due consideration.

Now, therefore, in exercise of powers conferred under Section 202 of the Andaman and Nicobar (Municipal) Regulation, 1994, the Lieutenant Governor, Andaman and Nicobar Islands has been pleased to confirm the Port Blair Municipal Council, Solid Waste Management Bye-Laws, 2017, namely :-

1. SHORT TITLE AND COMMENCEMENT

This Bye-laws may be called the Port Blair Municipal Council Solid Waste (Handling and Management) Bye Laws, 2017.

It shall come into force in Port Blair Municipal Council areas from the date of their publication in the Official Gazette.

2. EXTENT

It extends to the whole of the Municipal areas including public places, private places, dwellings, trade and commercial centres. This Bye-laws shall apply to every public place, private places, dwellings, trade and commercial centers, to every generator of Solid Waste and to every premise under the ownership or occupation of any person within the limits of Port Blair Municipal Council.

3. DEFINITIONS

In this Bye-laws, unless the context otherwise requires,--

(1) Agent / Agency

Means any person/entity appointed or authorized by the Municipality to act on its behalf, based on a mutual agreement between the Agent and the Municipality for discharge of duties or functions such as collection of waste, collection of charges/taxes/rates, segregation, treatment, disposal etc.

(2) Biodegradable Waste

“Biodegradable Waste” means any organic material that can degraded by micro-organisms into simpler stable compounds.

(3) Bio-medical wastes

Means any waste, which is generated during the diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biological materials.

(4) Bio-Methanation

“Bio-Methanation” means a process which entails enzymatic decomposition of the organic matter by microbial action to produce methane rich biogas.

(5) Bulky wastes

Shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape or other physical attributes. These include large worn-out or broken household, commercial and industrial items such as furniture, lamps, bookcases, filing cabinets and other similar items.

(6) Bulk generator

“Bulk Waste Generator” means and includes buildings occupied by the Central Government department or undertaking, State Government departments or undertaking, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadium and sports complexes having an average waste generation rate exceeding 50 kg per day.

(7) Bye laws

Means a bye-laws made under the Municipal Act, by notification in the Official Gazette.

8) Compost

The product obtained by the controlled action of microbes/ earthworms on bio-degradable matter. Composting means a controlled process involving microbial decomposition of organic matter and includes vermi-composting also.

(9) Construction and demolition waste (C & D waste)

Means non-hazardous waste from building materials, debris and rubble resulting from construction, remodeling and repair and demolition operations.

(10) Council

Means the Port Blair Municipal Council and, where the context requires, its Agent(s), contractors.

(11) Delivery

Means handing over of any category of solid waste to a Municipal worker or any other person appointed/ authorized or licensed by the Port Blair Municipal Council for taking delivery of such waste or depositing it in any vehicle provided by the Port Blair Municipal Council or by any other authorized or licensed vehicle provided by the Port Blair Municipal Council to do so.

(12) Drain

Includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter, polluted water, waste water, rain water or subsoil water.

(13) E-waste

E-Waste means waste electrical and electronic equipment whole or in part or reject from their manufacturing and repair processes, which are intended to be discarded.

(14) Energy

Means the energy used for processing and those generated by the processing or in the clearing thereof or in the removal of such matter therefrom.

(15) Filth

Includes offensive matter and sewage.

(16) Fuel

Means the energy consumed for the collection, transportation, processing and disposal of wastes or generated as a by product of processing in the form of solid, liquid or gas.

(17) Fuel charges

Fuel charges incurred for the collection, transportation, processing and disposal of waste.

(18) Garbage

Means Biodegradable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

(19) Garden waste

Means waste from parks, gardens or originating from the process of maintaining them, and includes grass clippings, weeds, woody material such as pruning, branches, twigs, wood chipping, dead leaves and tree trimmings, which cannot be accommodated in the daily collection system for bio-degradable waste.

(20) Generator

Those who generate or cause to the generation of waste.

(21) Hazardous waste

Means any waste which by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely to cause danger to health and environment whether alone or when in contact with other wastes or substances.

(22) House gully

Means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by Port Blair Municipal Council employees or other person employed in the cleaning thereof or in the removal of such matter therefrom.

(23) Horticultural wastes

Means bulk waste from parks, gardens, traffic islands and includes grass clippings, annual weeds and woody 'brown' carbon-rich material such as pruning, branches, twigs, wood chipping, straw or dead leaves and tree trimmings, which cannot be accommodated in the daily collection system for bio-degradable waste.

(24) Landfill

Means a waste disposal site for the deposit of residual solid waste in a facility designed with protective measures against pollution of ground water, surface water and air fugitive dust, wind-blown litter, bad odour, fire hazard, bird menace, pests or rodents, greenhouse gas emissions, slope instability and erosion.

(25) Municipality

Means the Port Blair Municipal Council and, where the context requires, its Agent(s), contractors.

(26) Municipal Solid Waste

"Solid Waste" means and includes solid or semi-solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non-residential wastes, street sweeping, slit removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, treated bio-medical waste excluding industrial waste, bio-medical waste and e-waste, battery waste, radio-active waste generated in the area under the local authorities and other entitles mentioned in rule 02.

(27) Nuisance

Includes any act, omission, place or thing which comes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing or which is or may be dangerous to life injurious to health or property.

(28) Litter

Domestic or commercial solid/liquid waste thrown or deposited which by its shape, size, quantity, nature create or tends to create un cleanliness or a danger or nuisance to public health, safety or welfare and prevent the legitimate use of the place.

(29) Littering

Means putting litter as prohibited by the bye-laws in such manner and in locations that it falls, descends, blows, is washed, percolates or otherwise escapes or is likely to fall, descend blow, be washed, percolate or otherwise escape into or onto any public place. Or causing, permitting or allowing litter to fall, descend, blow, be washed, percolate or otherwise escape into or onto any public place.

(30) Narrow gully

Means a passage, constructed, or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filling with polluted matter or in the clearing thereof or in the removal of such matter therefrom.

(31) Neighbour

Means a clearly defined locality, with reference to its physical layout, character or inhabitants.

(32) Occupier

Includes any person or entity that for the time being is in occupation of, or otherwise using, any land or building or part thereof, for any purpose whatsoever.

(33) Offensive matter

Includes animal carcasses, kitchen or stable refuse dung, dirt and putrid or putrefying substances other than sewage.

(34) Owner

- a. Means any person who exercises the rights of an owner of any building, or land or part thereof or with whom from time to time is vested the legal title to premises; and if owner is not present for the time being those lease holder and tenants are considered as owners for the purpose of the Bye-laws.
- b. In the case where the person in whom the legal title is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such person's property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.
- c. In any case where the Port Blair Municipal Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon .

35) Person

Means any person or persons and shall include any shop or establishment or firm or juristic person company or association or body of individuals whether incorporated or not and their Agents.

(36) Place of origin

Means public or private places which are not the point of origin but intended for the storage, segregated collection by the owner, tenant or those who are engaged in the management.

(37) Point to point collection

Means the system of collection of Solid Waste from specific pick-up points as designated by the Municipality, up to which the generator must bring the collected and stored waste for delivery to vehicle so appointed by the Municipality.

(38) Premises

Means any land or building or part of a building and includes.

- (a) the garden, ground and out-houses, if any, appertaining to a building or part of a building, and
- (b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof.

(39) Private Street

Means any street which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners.

(40) Public place

Any place which is open to public includes but not limited to road, arch road, viaduct, lane, footway, alley or passage, highway, causeway, bridge, square alley or passage whether a thoroughfare or not, over which the public have a right of passage, and such places to which the public has access such as parks, gardens, recreation grounds, playgrounds, beaches, water bodies, water courses, public plazas and promenades, government and municipal buildings, public hospitals, markets, slaughter houses, courts etc.

(41) Public road

Means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public has a right of access, and includes –

- a. the verge of any such road, street or thoroughfare,
- b. any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- c. any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

(42) Receptacle

Means any container, including bins and bags, used for the storage of any category of municipal waste.

(43) Recycling

Means the process of transforming segregated non-biodegradable solid waste into raw materials for producing new products, which may or may not be similar to the original products.

(44) Refuse

Means any waste matter generated out of different activities, processes, either degradable/non-degradable/inert in nature in either solid or semi-solid form which cannot be consumed, used or processed by the generator in its existing form.

(45) Refuse removal charges

Means fees or charges notified by the Port Blair Municipal Council from time-to-time for collection, transport and disposal of Solid Waste from different categories of waste generators.

(46) Rubbish

Includes ashes, broken bricks, broken glasses, dust, mortar and refuse of any kind which is not filth.

(47) Sanitation

Means the promotion of hygiene and the prevention of disease and other consequences of ill health relating to environmental factors.

(48) Schedule

Means a schedule appended to these Bye-laws

(49) Segregation

Means to separate Solid Waste into the specified groups of bio-degradable, hazardous, bio-medical, construction and demolition, bulk garden and horticultural and all other inert waste,

(50) Solid waste

Means any discarded solid or semi solid material generated or brought in the municipal limits.

(51) Source

Means the premises in which waste is generated primarily or a community storage centre used by owners / occupiers of one or more premises for segregated storage of Solid Waste.

(52) Street

Shall mean any road, footway, square, court, alley, gully or passage, accessible whether permanently or temporarily to the public and whether a thoroughfare or not, and shall include every vacant space and shall include also the drains or gutters therein, or on either side or the land, whether covered or not by any pavement, verandah or other erection, up to the boundary of any abutting property, not accessible to the public.

(53) Storage

Means the temporary containment of Solid Waste in a manner so as to prevent littering, attraction to vectors, stray animals and excessive foul odour.

(54) Transportation

Means conveyance of Solid Waste from place to place for the purpose of collection, processing and disposal.

(55) Transfer

The transfer of waste generated within the Port Blair Municipal Council limits to agents or employees of the Port Blair Municipal Council or to the vehicles, storage area or places designated for the purpose.

(56) PORT BLAIR MUNICIPAL COUNCIL

Means the Notified Area of Council or Municipality or City Corporation as applicable on date.

(57) Vehicle

Includes a carriage, truck, hand-cart, bicycle, tricycle, auto-rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street.

(58) Ward

Means an administrative ward of Port Blair Municipal Council unless specified otherwise.

4. POWER TO DECLARE SOLID WASTE FREE /SANITATION ZONES

- (1) The Port Blair Municipal Council has the power to declare in such manner as may be prescribed, any area or areas within the PORT BLAIR MUNICIPAL COUNCIL, as sanitation zone or waste free area or areas for the purposes of this Bye-law.
- (2) In such areas, the Port Blair Municipal Council by notification can prohibit the dumping or depositing of any waste in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

5. PROHIBITIONS -Dumping and Littering

- (1) No person shall dump, deposit, discharge, spill or release waste, or cause or permit such waste to be dumped, discharged, spilled or released, whether or not the waste is in a container or receptacle, in or at any place, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, sewers and storm water drains, except in a container or at a place which has been specially indicated, provided or set apart for such purpose. No person shall place or cause to be placed rubbish or offensive matter on a public street at the time other than the time specified and except in the receptacle provided or specified and not to dispose outside the containers.
- (2) No person shall allow rubbish, filth etc., to accumulate on premises for more than twenty four hours.
- (3) The prohibition referred to in section (5)(1) shall apply to any person who, for whatever reason, opens a receptacle containing waste material and dumps, deposits, discharges, spills or releases such waste onto a public street or drain / footpath and who thereafter fails to return such waste material to the receptacle.
- (4) No person shall deposit rubbish, solid waste, skin, carcasses or filth (a) in any street or on any unoccupied ground alongside any street or on any public or private place (b) in any dustbin or in any vehicle not intended for the removal of the same; or (c) in any vehicle or vessel intended for such removal save for the purpose of deodorizing or disinfecting the same. Also the residents should ensure their peripheral area of 25 Mtr radius to maintain it litter free or else responsibility shall be fixed on concerneds, If found littered.

- (5) No person shall, while driving a vehicle, or while being conveyed in a vehicle, throw or deposit waste on any public road or on any private premises within the Port Blair Municipal Council and no driver of a vehicle shall allow or permit any passenger in such vehicle to throw or deposit such waste in a like manner.

The occupant of any premises within the Port Blair Municipal Council shall be primarily responsible for the sanitary condition of the premises and any receptacle or container on the premises. The owner of any unoccupied property shall be primarily responsible for the sanitary condition of the property. It shall be unlawful for any person to place, deposit or allow to be placed or deposited on his premises or property any solid waste, except as permitted by the terms of this Bye-law.

- (6) No one shall indulge in the production, distribution, storage, sale and use of banned plastic & other items.

6. SEGREGATION, COLLECTION, STORAGE AND DELIVERY OF SOLID WASTE

- (1) Segregation of waste into six specified groups: Every generator of Solid Waste shall store unmixed in or separate the waste at the source of waste generation into the following six categories :

- a. Bio-degradable waste.
- b. Hazardous waste generated from households /establishments.
- c. Bio-medical waste from households.
- d. Construction and demolition waste.
- e. Bulk garden and horticulture waste including recyclable tree trimmings.
- f. All other non-biodegradable waste including recyclable and non-recyclable waste.

- (2) The 'bins' shall have 'easy to operate' design for handling and transfer of wastes. Bins for storage of bio-degradable wastes shall be painted Green, those for storage of recyclable wastes shall be painted White and those for storage of other wastes shall be painted Black.

- (3) Delivery of segregated waste.

Waste shall be kept unmixed / segregated and stored and delivered in the above specified groups to those who are specifically detained for the purpose. If the waste delivered is found to be mixed, this will be considered a breach of the Bye-laws, and a fine will be applied as per the Schedule of Fines. Repeated breach may also result in other penal measures.

- (4) Bio-degradable waste

Segregated Bio-degradable Solid Waste if not composted by the generator, shall be stored by generators of such waste within their premises in closed containers and its delivery shall be ensured by every such generator to the persons employed for collection. Wet wastes (food and other) should not be delivered in plastic carry bags.

It shall be the responsibility of the commercial generators of bulk bio-degradable waste such as hotels, restaurants, catering units, marriage halls, hospitals, private markets, fish/meat processing units, etc., to setup their own facilities for waste treatment. It is made mandatory by this notification to setup and maintain such facilities and made a condition when issuing license to them.

If it is of the opinion of the Municipal Council after inspection that certain commercial generators are not in a position to setup such facility due to land constraint, shall deliver the bio-degradable waste to collection vehicle provided for specified commercial generators of bulk bio-degradable waste or to the designated biodegradable waste storage centers from where the Port Blair Municipal Council shall collect such wastes daily at such times as the concerned Secretary/Executive Officer/Commissioner may notify from time to time. The generators of such wastes are liable to pay fees for the service provided to them by the Port Blair Municipal Council as fixed depending on the quantity of wastes.

- (5) The Port Blair Municipal Council shall, where possible, provide a refuse removal service for all occupied premises within the refuse removal area and the occupier of any premises shall be liable for all charges levied for such service, irrespective of whether or not such service is utilized, and regardless of whether or not the service is provided on a day other than the normal day of collection. Any charges levied for such service shall be prescribed in the Port Blair Municipal Council's tariff of charges.

- (6) The occupier of premises shall within 07(seven) days of the occupation of such premises notify the Port Blair Municipal Council in writing that the premises have been occupied and whether the service the occupier requires relates to the removal of domestic, or trade refuse or a combination of these.
- (7) The occupier of any premises shall ensure that all refuse generated on such premises is placed and kept in refuse containers, refuse bins, bags or other receptacles which shall be covered or sealed and retained on the premises until they are removed.
- (8) No hot ash, unwrapped glass fragments or other refuse which may cause damage to the Port Blair Municipal Council's containers or bins, or injury to the persons or vehicles employed in removing refuse from any premises, shall be placed in any containers, bins or bags unless appropriate steps have been taken to avoid any damage or injury.
- (9) No material, including any liquid, which by reason of its mass or other characteristics is likely to render any refuse container, refuse bin, bag or other receptacle unreasonably difficult for the Port Blair Municipal Council's employees to handle, shall be placed therein.
- (10) Every refuse container or refuse bin on or outside any premises shall be covered by means of a lid or other covering so as to prevent any nuisance or health hazard and any such container or bin shall be kept clean and in a hygienic condition.
- (11) Tender coconut shells, banana leaf and bunches must be cut and collected separately and delivered separately no person is allowed to throw or break or spread coconuts, fruits and vegetables on roads, footpaths, their shoulders, other open public areas and inside the drain.
- (12) PET bottles shall be taken back by the sellers and delivered to the collectors
- (13) Whenever any hazardous waste is stored, generated or treated on any premises, the Port Blair Municipal Council may, by written notice served on the owner or occupier of such premises –
 - a. prohibit the removal, disposal, treatment, storage, conveyance or handling of such hazardous waste, or
 - b. order the removal, disposal or treatment of such hazardous waste in a specified manner and at certain times within a period stipulated in such notice.
- (14) If such owner or occupier fails to comply with the terms of a notice contemplated by this Bye-laws, he / she shall be guilty of an offence and the Port Blair Municipal Council may remove, or cause to be removed, dispose of or treat such hazardous waste in any suitable manner and recover the expenses incurred in doing so from such owner or occupier.
- (15) No person shall
 - a) remove or convey hazardous waste from any premises, or
 - b) convey or transport hazardous waste on or over any public road, unless such hazardous waste is securely and properly contained in a receptacle or vehicle designed to prevent spillage or contamination.
- (16) The Port Blair Municipal Council may, by written notice served on the owner or occupier of premises on which hazardous waste is generated, stored, treated or disposed of, require such owner or occupier to provide the Port Blair Municipal Council in writing with such particulars, verified by a suitably qualified industrial chemist, as may be stipulated in such notice, relating to – the quantity and composition of hazardous waste generated on such premises and a method of storage, treatment or disposal of such hazardous waste.
- (17) The owner or occupier shall in similar manner inform the Port Blair Municipal Council of any change in the quantity or composition or the method of storage, treatment or disposal of such hazardous waste.
- (18) Household hazardous waste shall be stored and delivered by every generator of waste to the collection vehicle which shall be provided weekly/periodically by municipality or any other Agency authorized by the Port Blair Municipal Council for collection of such waste.

- (19) House hold bio medical waste shall be stored and delivered by every generator of waste to the collection vehicle which shall be provided weekly/periodically by municipality or any other Agency authorized by the Port Blair Municipal Council for collection of such wastes. It shall be the responsibility of the Port Blair Municipal Council for disposal in a manner that is mandated by Andaman & Nicobar Pollution Control Committee in accordance with the Bio-Medical Waste (Management & Handling) Rules, 1998 (as amended to date) through their own facilities or through the agencies that have setup such facilities.
- (20) It shall be the responsibility of the hospitals and health care establishments to store untreated bio-medical wastes in specified type of covered receptacles. It shall be the responsibility of the generators of such waste for disposal in manner that is mandated by Andaman & Nicobar Pollution Control Committee in accordance with the Bio-Medical Waste (Management & Handling) Rules, 1998 (as amended to date) through their own facilities or through the agencies who have setup such facilities. Persons or establishments shall not dump bio-medical waste along with other wastes in any form in waste containers intended for storage of other wastes.
- (21) Construction and Demolition Waste (C & D waste) shall be stored and delivered separately. It will be the responsibility of the generator to store the segregated C&D waste at source. The generator must then call a local Help-line of the Port Blair Municipal Council or the Agent of Port Blair Municipal Council, who will then send a vehicle to pick up the segregated C&D waste from the generator, with a specified charge, and then further transport this wastes to a processing centre or disposal site within 07(seven) days of generation.
- (22) Wherein the opinion of the Port Blair Municipal Council, excessive rubble, rubbish, other debris or waste material is allowed to accumulate on a site before or during building operations, it may, by written notice, order the owner of such site to have such rubble, rubbish, other debris or waste material removed within the period specified in such notice.
- (23) Any owner who fails to comply with such notice shall be guilty of an offence and the Port Blair Municipal Council may remove such rubble, rubbish, other debris or waste materials from such site and may recover the costs of such removal from the owner.
- (24) Any person erecting or demolishing any building shall remove any surplus material and matter arising from such erection or demolition from the site and from any other land or public place affected by such material or matter during or after completion of such erection or demolition, failing which the Port Blair Municipal Council may, by written notice, order the owner of such building to have such surplus material and matter removed within a period specified in such notice.
- (25) Any person who fails to comply with a provision of or a notice served on such person in terms thereof, shall be guilty of an offence.
- (26) All other Non-biodegradable waste – recyclable and non- recyclable shall be segregated and stored and delivered by every generator of waste to the employees or agencies appointed by the Port Blair Municipal Councils on specified days and at such times as may be notified by the concerned Secretary, Executive Officer/Commissioner. Persons or establishments shall not mix trade wastes such as rubber chappal-cuttings, leather trimmings, car seat-covers, cloths, etc., with biodegradable waste.
- (27) Disposal by burning of any type of solid waste at roadsides, dump sites, or any private or public property is prohibited.
- (28) It shall be the responsibility of the owner to remove any obstruction caused in street by fall of trees, etc. within 12 hours of fall.
- (29) The organizers of a public event/gathering shall clean the hired hall/ground within 24 hours from the event.
- (30) Contravention of any above said provisions shall invite penalty or punishments as specified in the Schedule.
- (31) Action against Transport Contractors /Port Blair Municipal Council Employees: Port Blair shall take strict and swift action against the Transport Contractor and/or Municipal employees, including levying a penalty, if any worker of the contractor or any Municipal employee mixes segregated waste at any point of collection; or does not pick up waste as per the specified time schedule.

- (32) The employees of the Port Blair Municipal Council engaged in rubbish and solid waste management service prohibited from depositing waste at a place other than specified etc.- No employee of the Port Blair Municipal Council engaged in rubbish and solid waste management service shall throw or place any domestic waste, dust, ashes, refuse, rubbish or trade refuse or any excrementitiously or polluted matter on any street or in any place not provided for the purpose or bury or burn or place or keep in any street any vehicle or carriage for the removal of solid waste, excrementitiously or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary.
- (33) It is mandatory for every household, hotels, restaurants, office complexes and all other commercial establishments to collect and dispose off the waste by adopting door to door garbage collection scheme on chargeable basis as approved by the Port Blair Municipal Council from time to time.

7. GENERAL PROVISIONS FOR SANITATION

- (1) No person and Domestic animals shall bath, spit, urinate, defecate, feed/slaughter animal or birds, repair/wash vehicles, utensils or any other object or keep any type of storage in any public place except in such public facilities or conveniences specifically provided for any of these purposes.
- (2) Toilets shall be provided by the builders at construction sites, Training centres, all type of institutions at their place of business to prevent open defecation. Making of such prior provision should be one of the conditions while granting building permission and must be adhered to. After notification of in this Bye-law all residential / commercial building is to have their toilets within 03(three) months otherwise they will be considered as agencies / individuals promoting open defecations and the penalties will be imposed accordingly.

8. ACCESS TO PREMISES

- (1) The occupier of premises shall grant the Port Blair Municipal Council access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Port Blair Municipal Council in the carrying out its service.
- (2) Wherein the opinion of the Port Blair Municipal Council, the collection or removal of refuse from any premises is likely to result in damage to the premises or to the Port Blair Municipal Council's property, or injury to the refuse collectors or any other person, it may, as a condition of rendering a refuse collection service in respect of the premises, require the occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

9. NOTICES AND PENALTIES

- (1) The Port Blair Municipal Council may serve a notice on the occupier of any premises, requiring such occupier to clear any waste on such premises in a manner and within a time specified in such notice.
- (2) If a person on whom a notice has been served, fails to comply with the requirements imposed by the notice, such person shall be guilty of an offence and liable on conviction to the penalties prescribed from time to time Bye-law.
- (3) If a person on whom a notice is served, fails to comply with any requirements imposed by such notice, the Port Blair Municipal Council may –
- a. Enter on the premises and clear the wastes; and
 - b. Recover from the occupier the expenditure incurred in having done so.
- (4) **a.** Where on any occasion, an officer of the Port Blair Municipal Council finds any person who such officer has reason to believe on that occasion committed an offence under sections of the Bye-laws, he may serve a notice on that person offering such person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- b.** A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall specify –
- a) the period;

b) the amount of the fixed penalty; and

c) to whom, and the address at which, the fixed penalty may be paid.

c. The fixed penalty payable to the Port Blair Municipal Council in pursuance of a notice under this section shall be prescribed by the Port Blair Municipal Council from time to time.

- (5) Any person who contravenes or fails to comply with any provision of these Bye-laws shall be guilty of an offence and shall be liable on conviction to a fine or to imprisonment, or to both such fine and imprisonment or to such other penalty as determined by a Court of competent jurisdiction.
- (6) Any person who dump, deposit, discharge, spill or release waste, or cause or permit such wastes to be dumped, discharged, spilled or released, whether or not the waste is in a container or receptacle, in or at any place, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, sewers and storm water drains, except in a container or at a place which has been specially indicated, provided or set apart for such purpose is an offence and liable to be fined with Rs. 500/- on the spot; the order can be issued by an employee not below the rank of a Sanitary Inspector of the Port Blair Municipal Council and one who contravenes the order shall be liable to be prosecuted.

10. PENALTIES FOR CONTRAVENTION OF THESE BYE-LAWS

- (1) On and after the date of commencement of these Bye-laws, there will be a familiarization / warning period of 30 days, after which, any contravention of these Bye-laws shall be punishable with fines as per the Schedule of Fines (Schedule I) for every instance of breach of these Bye-laws. In case, the generator of waste is found contravening any of these Bye-laws next time, the fine amount will be doubled. The defaulter shall be liable for prosecution if he/she fails to remit the prescribed fine within 15 days.
- (2) The owner/ occupier shall be deemed to be guilty of the offence and shall pay the fine, if the responsible person for dumping waste in a private place is unidentified.
- (3) The establishments responsible for littering, dumping of dead animal carcasses shall be fined and will have to remit the fine.
- (4) Any owner/occupier who dump, deposit, discharge, spill or release waste, or cause or permit such wastes to be dumped, discharged, spilled or released in any privately owned place shall be liable to pay fine as per Schedule 1 of the Bye-laws.
- (5) If it becomes necessary on the part of the Port Blair Municipal Council to remove the waste then the responsible person or entity shall be liable to pay the expenses to the Port Blair Municipal Council and any failure will entail revenue recovery.

11. MISCELLANEOUS PROVISIONS

- (1) The information and documents in connection to the solid waste management is a public document. For citizens access to information under the control of Port Blair Municipal Council is provided under the Right to Information Act. In order to promote transparency and accountability in the working of Port Blair Municipal Council in this regard, the information will be available to the public subjected to the Municipalities Act and the Right to Information Act. The Port Blair Municipal Council Sanitary Officer shall be nominated as the Public Information Officer and the Secretary/Executive Officer/Commissioner shall be the Appellate Authority.
- (2) The Port Blair Municipal Council shall constitute a committee to redress any matters related to grievances of public in solid waste management both in Wards and as a whole for the Port Blair Municipal Council. An appeal committee shall be constituted with the Municipal Chairman/Mayor as Presiding Officer.
- (3) The council shall review, amend, extend, revoke, frame rules as and when required.
- (4) It shall be the duty of Port Blair Municipal Council to protect all waste handlers from the ill-effects of their occupation and should be given annual medical examination and monitoring, given appropriate health education and free medical treatment if it is felt that the illness is occupation-related. Port Blair Municipal Council shall provide personal protection equipments and monitor that the same is used by the workers.
- (5) The Port Blair Municipal Council shall encourage the use of waste-polymer-modified bitumen for its roads and modify the PWD Manual accordingly. Port Blair Municipal Council shall seek the opportunity for using discarded tyres in bitumen for roads.

- (6) The Port Blair Municipal Council shall develop a management information system for effectively taking corrective measures as well as proper planning for future. Geographic Information System (GIS) shall be introduced and MIS may be integrated in this system. There should be route maps and duty charts with each of the supervisory staff, who should check whether work on site is going as per schedule and whether vehicles and manpower are giving their optimum output.

12. POWERS AND RESPONSIBILITIES OF THE PORT BLAIR MUNICIPAL COUNCIL.

- (1) Rubbish and other solid waste to be the property of the Port Blair Municipal Council - All the rubbish and solid waste collected by the employees or contractors of the Port Blair Municipal Council and the carcasses of dead animals deposited in any public receptacles, depot or place shall be the property of the Port Blair Municipal Council and they may dispose of the same by auction or otherwise.
- (2) Every Port Blair Municipal Council shall make adequate arrangements for the daily removal of rubbish, solid wastes, filth and carcasses of animals generated within its limits including private places. Port Blair Municipal Council shall arrange the daily sweeping and cleansing of the streets and removal of sweepings there from.
- (3) Port Blair Municipal Council has the right to review every five (5) years or as the need arises the Solid Waste Management Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international development in the field of solid waste management;
- (4) The Port Blair Municipal Council shall determine the capacity of refuse bins, bags or receptacles which shall minimize by occupiers for refuse removal purposes, or the number of such bins, bags or receptacles and the days on which the service shall operate.
- (5) The Port Blair Municipal Council, or a private waste service provider, may deliver containers to premises, if having regard to the quantity of refuse generated on the premises concerned, the suitability of such refuse for storage in containers, and the accessibility and adequacy of the space provided by the occupier of any premises for refuse collection vehicles, such refuse would, in the opinion of the Port Blair Municipal Council, be more appropriately stored in containers rather than bins.
- (6) Any containers delivered by the Port Blair Municipal Council or a waste service provider, in terms of this section shall remain in the ownership of the Port Blair Municipal Council or the private waste service provider, as the case may be.
- (7) An occupier of premises shall be liable for the replacement or repair costs of lost, stolen or damaged containers at the applicable replacement cost of such containers.
- (8) An occupier of any premises shall provide sufficient space and any other facilities deemed necessary on such premises for the storage of containers delivered by the Port Blair Municipal Council or a private waste service provider.
- (9) Containers shall be so located as to permit convenient access to and egress from such premises by the Port Blair Municipal Council refuse collection vehicles or by the vehicles of a private waste services provider.
- (10) It shall be the responsibility of the local bodies to market the compost and evolve suitable mechanism for the sale.
- (11) Port Blair Municipal Council should utilize to the fullest extent practicable all available facilities and expertise within the scrap processing and recycling industry for processing and marketing recyclable materials from municipal waste.
- (12) The Port Blair Municipal Council should, to the greatest extent practicable, procure and use products and materials with recycled content and procure and use materials that are recyclable
- (13) A resource recovery facility to be operated inside the Port Blair Municipal Council within city limits as part of a complete municipal waste management plan

13. PROVISION FOR PROCESSING OF SOLID WASTES

- (1) The Port Blair Municipal Council may, for the purpose of recycling, treating, processing and disposing of solid wastes or converting such solid wastes into compost or any other matter construct, acquire, operate, maintain and manage any establishment within or outside the Municipal area and run it on a commercial basis or may contract out such activity.

- (2) Port Blair Municipal Council may make adequate arrangements for the treatment of solid wastes for the preparation of compost and the disposal of it by sale or other means.
- (3) Within the sites for processing and disposal of waste identify suitable locations for:-
 - a) Weighbridge
 - b) Composting plant
 - c) Composting area
 - d) Compost storage area
 - e) Packing area
 - f) Shredded plastic storage area
 - g) Wash and change area
 - h) Security cabin
 - i) Secured landfill for the disposal of rejects
 - j) Site for RDF
 - k) Leachate treatment plant
 - l) Parking area for vehicles
 - m) Vehicle washing area
 - n) Canteen
 - o) Quarters
 - p) Workshop for vehicles
 - q) Store room
 - r) Laboratory
 - s) Office space
- (4) While selecting site, the Port Blair Municipal Council shall take due care of the ground water table, land use etc. of the site.
- (5) It should be atleast 500 m away from habitations, tourist areas, wetlands etc.
- (6) It should be 3 meters above the local ground water level wherever possible, failing which the site level may need to be raised.
- (7) A 500 m wide no development Buffer Zone to be declared to prevent objections by future inhabitants.
- (8) The waste processing and disposal site must be fenced to prevent unauthorized entry.
- (9) The Port Blair Municipal Council shall improve existing roads or make new ones and maintain the same.
- (10) Port Blair Municipal Council shall provide a green belt to improve the environment.
- (11) The waste processing or disposal facilities shall include facility based on state-of-the-art technology duly approved by the Andaman & Nicobar Pollution Control Committees.
- (12) The waste processing area should be covered and it shall be provided with impermeable base with facility for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility;

14. PROVISION FOR FINAL DISPOSAL OF SOLID WASTE

- (1) Every Port Blair Municipal Council shall identify and notify suitable lands within or outside the municipal area for the purpose of final disposal of wastes.
- (2) While notifying the land, health and environmental aspects shall be taken into consideration by the Port Blair Municipal Council.

- (3) The Port Blair Municipal Council shall provide for decentralized processing plants wherever and whenever possible, and opt for centralized land fill site. The Port Blair Municipal Council shall find suitable and adequate land for processing and disposal of waste keeping in view the requirements for atleast the next 20-25 years. The landfill site for the rejects should preferably be the same parcel of land as the composting site, or very nearby, to minimize the cost of handling, transporting and land filling the rejects.
- (4) Land fill site should be developed as specified in SWM Rule-2016 (**Schedule I**).
- (5) Necessary precautions shall be taken to minimize nuisance of odour, flies, rodents, bird menace and fire hazard;
- (6) Process rejects shall be removed on a regular basis shall be sent for well designed landfill site.
- (7) Rejects and non biodegradable waste shall be land filled according to standard procedure.
- (8) Wastes should be spread in thin layers and compacted to achieve a high density of waste.
- (9) The waste may be covered on a day to day basis with thick layer of inert materials such as construction wastes or soil to avoid any foul smell and breeding of rodents and insects.
- (10) After completion of landfill, a final cover shall be designed to minimize infiltration and erosion.
- (11) To minimize erosion of the final cover, plantation or vegetation cover may be made to sustain native plant growth.
- (12) Rain water flow into the land fill area should be prevented.
- (13) Run-off from land filled areas should not enter any well or water body.
- (14) Regularly monitor nearby water quality.
- (15) Public gardens with land-scaping may be developed in stages on the landfill in such a manner that stagnation of rainwater does not take place and rainwater runs off the site.
- (16) Records may be maintained of date, time and quantity of wastes received site and the number of trips made by each transport vehicle.
- (17) After completion of land fill a minimum final raised cover of soil or construction waste of at-least 30 cm shall be provided and maintained to ensure run-off of rain-water from the surface.
- (18) Maintaining the integrity and effectiveness of final cover, including making repairs to the cover as necessary to correct the effective of settlement, subsidence, erosion or other events and preventing rain-water run-on and run-off from eroding or otherwise damaging the final cover;
- (19) Monitoring ground water in accordance with requirements and taking corrective measures as and when required;
- (20) Monitoring of landfill gases to assess levels of methane, for ensuring compliance as per the prescribed standards.
- (21) Planned use of closed landfill sites can commence after ensuring that the landfill gases, leachates and ground-water analysis permit such use.
- (22) Installation of landfill gas control system including gas collection system shall be made at landfill site
- (23) Ambient air quality at the landfill site and at the vicinity shall be monitored

15. PROVISION FOR LEACHATES COLLECTION AND TREATMENT

- (1) Provisions for management of leachates collection and treatment shall be made. The treated leachates shall meet the standards specified in Schedule- I of SWM Rules, 2016.
- (2) It shall be incumbent on the Port Blair Municipal Council to establish a leachate treatment plant along with a windrow composting facility and landfill site as per the MSW rules.
- (3) The leachate plant shall be able to treat the leachate both from the processing plant and the land fill.
- (4) The Port Blair Municipal Council shall identify appropriate technology for leachate treatment.

16. RESPONSIBILITY OF SECRETARY PORT BLAIR MUNICIPAL COUNCIL

- (1) The Administrative powers to implement the provisions of this Bye-laws and the resolutions passed by a Council shall be vested in the Secretary and he/she shall be directly responsible for the proper discharge of the functions imposed by or under this bye-laws.
- (2) The Secretary shall-
 - a. Supervise and control the acts done and steps taken by the officers and employees of the Port Blair Municipal Council in solid waste management.
 - b. Exercise such other powers and perform such other functions that may be conferred or entrusted under the provisions of this Byelaws or the rules made there under.
 - c. The Secretary may, in emergent circumstances, direct the execution of any work or performance of any act related to solid waste management, in respect of which sanction of the Council is necessary and in his / her opinion the immediate execution or performance of which is necessary for the safety of the public and may also direct that the expenses incurred for the execution of such work or performance of such act be paid from the fund of the Port Blair Municipal Council.
- (3) The Secretary/Commissioner of the Port Blair Municipal Council will also be the Member Secretary of the Port Blair Municipal Council, steering committee, standing committee and technical committee; which will be notified separately through Notification.
 - a. He / She will be responsible for engaging temporary and permanent systems for the collection, transportation, storage, processing and disposal of solid waste.
 - b. To sign contracts for the solid waste management.
 - c. To deploy employees for the execution of solid waste management.
 - d. Publish and circulate notices and orders.
 - e. Utilize the resources as authorized in accordance with the decision of the Council
 - f. Prepare reports, documents and minutes and keep the same.
 - g. Direct to pay waste removal fees/charges to those concerned.
 - h. Order the payment of fines in respect of contraventions of the provisions of the Bye-laws.
 - i. Under necessary circumstances cancel contracts, notices or orders.
 - j. Order on the spot fines on establishment of offences.
 - k. Order to control or stop the release or disposal of waste water.
 - l. The Secretary of the local Governments have the right to enter at any reasonable time public or private property in the Port Blair Municipal Council jurisdiction to inspect and investigate conditions concerning solid waste management and control.
 - m. To take necessary steps after inspection regarding solid waste management.

17. CITY SANITATION SOCIETY

The Port Blair Municipal Council shall form a City Sanitation Society that shall prepare, submit and implement a plan for the safe and sanitary management of solid waste generated in areas under its geographic and jurisdictional coverage.

The City Sanitation Society shall be a Society registered under the Charitable Societies Act and promoted and controlled by the Port Blair Municipal Council for the purpose. A separate Bye-laws shall be prepared for the Society.

The City Sanitation Society shall have the following duties and responsibilities:

- a. Develop the Solid Waste Management Plan that shall ensure the long-term management of solid waste, as well as integrate the various solid waste management plans and strategies in its area of jurisdiction. In the development of the Solid Waste Management Plan, it shall conduct consultations with the various sectors of the community.

- b. Monitor the implementation of the SWM Plan through its various political sub-divisions and in co-operation with the private sector and the Port Blair Municipal Council.
- c. Adopt specific revenue-generating measures to promote the viability of its SWM Plan.
- d. Review every five (5) years or as the need arises the SWM Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management;
- e. Develop the specific benchmarks and protocols for monitoring and evaluation.
- f. Recommended measures and safeguards against pollution and for the preservation of the natural ecosystem; and
- g. Mandatory public hearings for Local Government solid waste management plans shall be undertaken by the respective societies in accordance with process to be formulated in the implementing rules and regulations.

18. **AMENDMENTS OF SOLID WASTE MANAGEMENT BYE-LAWS**

Implementation, handling and compliance of this bye-laws will be amended time to time based on the rules notified/amended by Ministry of Environment & Forest and climate change for Management and handling of solid waste for compliance of the previous therein.

19. All rates and penalties will be increased @3% per Annum and will be reviewed in every three years.

20. **FINANCIAL PROVISIONS FOR IMPOSING PENALTIES AND USER CHARGES**

Schedule 1

Penalties

Sl. No.	Section	Subject of Contravention / Violation	Fine For Every Single attempt of Violation in rupees
1	5.(1)	Dumping and littering in any public place & Other assets of council such as drain, footpath, road etc. meant for public utility.	500/-
2	5.(1)	Disposing wastes outside the storage containers	500/-
3	5.(2)	Allowing rubbish, filth etc., to accumulate on premises for more than twenty four hours	1000/-
4	5.(4)	Unlawful and improper disposal of carcasses rubbish and filth	1000/-
5	5.(6)	Failure to keep one's premises clean	500/-
6	5.(7)	Production, distribution, storage, sale and use of banned plastic items.	1000/-
7	6.(3)	For delivering waste that is not segregated and stored in separate bins as specified: a) Individual	500/-
		a) Bulk generator	1000/-
8	6.(4)	Failure on the part of bulk generators to construct own facilities for waste treatment	5000/-
9	6.(14)	Dumping hazardous waste in public or private places	500/-
10	6.(20)	Dumping bio-medical waste along with other wastes	10000/-
11	6.(21)	For not removing Construction and Demolition waste in a segregated manner as specified	5000/ per ton
12	6.(26)	For mixing and delivering trade waste with biodegradable waste.	1000/m ³
13	6.(27)	For disposal of waste by burning	500/-
14	6.(28)	Failure to remove obstruction caused in street by fall of trees, etc. within 12 hours of fall.	1000/-
15	6.(29)	Failure of organizers of a public event, gathering to clean the hired hall/ground within 24 hours from the event	5000/-

16	6.(30)	Worker of the contractor or any Municipal employee mixes segregated waste at any point of collection; or does not pick up waste as per the specified time schedule.	500/-
17	6.(32)	Employees of the Port Blair Municipal Council depositing waste at a place other than specified etc.	500/-
18	6.(33)	Not taking part in the solid waste management system of Port Blair Municipal Council.	2000/-
19	7.(1)	Littering in any public place, bathing, spitting, defecating, urinating, washing clothes and utensils, washing vehicles etc.	500/-
20	7.(2)	For not providing temporary toilets at construction sites.	1000/-
21	8.(1)	Denial of access to Port Blair Municipal Council to the premises.	1000/-
22	7.(1) & (2)	Person's doing open defecation.	500/-
23	7.(1)	Allowing Animals such as Cattles/Goats in public places.	500/-
24	7.(1)	Allowing littering by Animals such as Cattles/Goats in public places. and	2000/-
25	5.(6)	Indulging in the production, distribution, storage, sale and use of banned plastic & other items.	10000/-
26	6.(11)	Throwing or breaking or spreading coconuts, fruits and vegetables on roads, footpaths, their shoulders, other open public areas and inside the drain.	3000/-
27	8	Non implementation of Rule-8(1) & 8(2).	Will be assessed by the committee formed as per Rule-16 for each case.
28	9(1-6)	Violation of notices and penalties.	Max. upto Rs. 10000/-

Schedule II**Product specifications of compost**

Sl. No.	Parameter	Specifications
1	Moisture, percent by weight	10.0-25.0
2	Color	Dark Brown to Black
3	Odour	Absence of foul odour
4	Particle size	Minimum 85% should pass through 4.0 mm IS sieve
5	Bulk Density (g/cm ³)	0-1.0
6	Total Organic Carbon, percent by weight, minimum	8.0-16.0
7	Total Nitrogen (as N), percent by weight minimum	0.3-0.7
8	Total Phosphates (as P ₂ O ₅), percent by weight, minimum	0.5-2.0
9	Total potash (as K ₂ O), percent by minimum	0.3-0.7
10	C:N ratio	20:1 or less
11	pH	6.0 - 8.0
12	Conductivity (as dsm ⁻¹)	Not more than 4.0 - 8.0
13	Pathogens	Nil
14	Heavy Metal Contents (as mg./kg.) by weight, maximum	
	Arsenic (as As ₂ O ₃)	10
	Cadmium (as Cd)	5
	Chromium (as Cr)	50
	Copper (as Cu)	300
	Mercury (as Hg.)	0.15

	Nickel (as Ni)	50
	Lead (as Pb)	100
	Zinc (as Zn)	1000

SCHEDULE -III

DOOR TO DOOR MONTHLY USER CHARGES FOR STAKE HOLDERS

Sl. No.	Agencies	User Charges Per Unit/ Per Month in Rupees
1	Households delivering segregated waste to the sanitary worker.	Rs. 50/-
2	Households intends collections & segregation of waste by the sanitary worker.	Rs.1000/-
3	Grocery, departmental and other Shops	Rs. 150/-
4	Hotels & Restaurants	Rs. 500/-
5	Vegetable and meat shops	Rs. 300/-
6	Private / Government establishments	Rs. 300/-
7	Schools & Collages	Rs. 150/-
8	Others (commercials)	Rs. 50 to 100/-
9	Street vendors	@ Rs. 20 rupees per day.
10	Charges to bulk generator @ per cubic metre (CBM)/day	Rs. 300/-

Prof. Jagdish MukhiLieutenant Governor,
Andaman & Nicobar Islands

By order and in the name of the Lt. Governor,

Sd./-

Deputy Secretary (UD)